



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CWP No. 27864 of 2024
Date of Decision : 18.10.2024

Vijay Kumar and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate for the petitioners.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioners submits that a similar claim as being raised in the present petition has already been decided by this Court in CWP No. 2225 of 2018 titled as ***Satpal Singh and others Vs. State of Punjab and another***, decided on 27.08.2024, hence, the present petition may kindly be disposed of in the same terms.
2. Notice of motion.
3. Mr. Charanpreet Singh, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that the eligibility of the petitioners is yet to be adjudged and in case, any of the petitioners are found to be not eligible, they will not entitle for the benefit of pay as being given to regular employee.



4. Learned counsel for the petitioners submits that the said direction has already been given by this Court in ***Satpal Singh and ors. (supra)***, wherein it has been mentioned that only the petitioners who are eligible should be granted the benefit and not otherwise.

5. Keeping in view above, learned counsel for the respondent-State submits that liberty be given that in case, any of the petitioners is found to be not eligible and are not entitled for the benefit, the liberty be given to State to pass appropriate speaking order to deny the said benefit.

6. It goes without saying that in case any of the petitioners does not fulfil the requisite qualification for appointment to the post in question, he/she will not be entitled for the benefit as directed by the Hon'ble Supreme Court of India in case titled as ***"State of Punjab and ors. Vs. Jagjit Singh and ors."***, 2016(4), SCT 641 hence, the present petition is disposed of in terms of ***Satpal Singh and ors. (supra)***, with the clarification that in case any of the petitioners, in the present petition or even in ***Satpal Singh and ors. (supra)***, or any other connected case decided on the basis of ***Satpal Singh and ors. (supra)***, does not fulfil the requisite qualification, the liberty is with the Department to pass appropriate order denying the benefit by giving due reasons.

7. Present petition is disposed of in terms of ***Satpal Singh and ors. (supra)***, with the above said liberty.

October 18, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No